



Attorney Docket: 28025US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Mario A. VILLENA, et al.

Application No. 10/536,692 : International Application No.: PCT/US04/28217

Filed: May 27, 2005: International Application Filing Date: August 31, 2004

For: ***COMPUTERIZED AGENT AND SYSTEMS FOR FORMATION AND UPDATE OF DATABASES***

**DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. 1.131**

Commissioner for Patents  
Washington, D.C. 20231  
Box Non-Fee Amendment

Sir:

NOW COMES the undersigned and declare that:

1. We, Mario Villena and Jose Villena, are inventors in the present application. We are also managers and technical contributors of HomeXperts, d.b.a, HomeKeys.net, which is related to the instant Application. We have personal knowledge of the work done in accordance with the related projects of HomeKeys.net.

2. The fourteenth (14<sup>th</sup>) day of March TWO-THOUSAND AND FOUR (2004), which upon information and belief, is the publication date of an article entitled "Here's how to calculate home

value” By Holden Lewis. The article, which was cited by Examiner Naresh Vig of the United States Patent and Trademark Office in an Office Action mailed March 2, 2007 for United States Patent Application No. 10/536,692, was published in The Sunday Patriot – News (Harrisburg, PA) on page 101.

3. The fourth (4<sup>th</sup>) day of March TWO-THOUSAND AND FOUR (2004), which upon information and belief, is the INITIAL publication date of the article of section 2, which is differently entitled “Determining a home’s value.” This article was initially published on www.bankrate.com. The article can also be found at http://www.bankrate.com/bnm/news/real-estate/20040304a1.asp. The following facts show reduction to practice of the presently claimed methods and systems in the United States of America prior to this publication date.

4. The present United States patent application was drafted in the summer of the year 2004.

5. Attached is a copy of a page provided by William Kennedy, an employee and software developer of HomeKeys, containing a portion of Standard Query Language (SQL) code developed by Mr. Kennedy and Jose A. Villena, another inventor of record. The copy of the SQL code is attached herewith and made part of this Declaration as an Exhibit of record. The SQL code bears one or more dates which have been removed and are not shown on the Exhibit. Each of the dates was prior to the relevant The Sunday Patriot – News and www.bankrate.com publication dates.

6. The SQL code was used as part of a software project of HomeKeys during the development of the software. As shown in the Exhibit, the SQL code includes a data structure (TABLE PropertyListings) containing a number of data fields. Among these fields (line 36) is a field labeled "AVMPrice", which was used to hold an Automated Valuation Model (AVM) generated estimate for each of a number of real properties documented by the data structure. Accordingly, the Exhibit demonstrates: (1) the existence of a database that includes a respective AVM value for each of a plurality of properties (2) capable of being queried, as is referenced in the independent claims of the present Application.

7. Applicants assert that it is apparent to those skilled in the art that the existence of a database with the various disclosed fields, including the field labeled "AVMPrice" is sufficient to support the idea of both storing AVM values and retrieving AVM values, as storing and retrieving data is a fundamental purpose of databases.

8. The SQL code identified in the Exhibit was produced in the United States of America.

9. I/we are aware of the construction and operation of an apparatus and method practicing the features of the independent claims of the present Application, and am also aware of their existence on a date prior to the relevant The Sunday Patriot – News and www.bankrate.com publication dates.

10. All statements made herein of my own knowledge are true. All statements made herein upon information and belief are believed to be true. I/We understand that willful false statements and the like are punishable by fine or imprisonment, or both, under the provisions of 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing therefrom.

11. Further, declarants sayeth naught.

12. WITNESS my signature below in the indicated date.

8-29-2007  
Date

Mario Villena  
Mario A. Villena

8-29-2007  
Date

Jose A. Villena  
Jose A. Villena

Exhibits: Copy of Standard Query Language (SQL) code developed by Mr. William Kennedy and Mr. Jose A. Villena.

Attachments: Copy of an article entitled "Determining a home's value" by Holden Lewis.

```
1 / ***** PropertyListings *****
2 **
3 *****
4 IF EXISTS (SELECT * FROM sysobjects WHERE type = 'U' AND name = 'PropertyListings')
5 BEGIN
6 PRINT 'Dropping Table PropertyListings'
7 DROP TABLE PropertyListings
8 END
9 GO
10
11 PRINT 'Create Table PropertyListings'
12 CREATE TABLE PropertyListings
13 (
14 SubscriberId INT NOT NULL,
15 CountyId INT NOT NULL,
16 FolioKey CHAR(13) NOT NULL,
17 OwnerName VARCHAR(35) NOT NULL,
18 PropertyAddress1 VARCHAR(35) NOT NULL,
19 PropertyAddress2 VARCHAR(35) NULL,
20 PropertyCity VARCHAR(10) NOT NULL,
21 PropertyZipCode VARCHAR(35) NOT NULL,
22 MailingAddress1 VARCHAR(35) NOT NULL,
23 MailingAddress2 VARCHAR(35) NULL,
24 MailingCity VARCHAR(35) NOT NULL,
25 MailingZipCode VARCHAR(16) NOT NULL,
26 PropertyType VARCHAR(255) NOT NULL,
27 Bedrooms INT NOT NULL,
28 Baths INT NOT NULL,
29 BldgSqftg INT NOT NULL,
30 LotSize INT NOT NULL,
31 YearBuilt INT NOT NULL,
32 LivingUnits INT NOT NULL,
33 Floors INT NOT NULL,
34 ExtraFeatureOptionId INT NOT NULL,
35 AskingPrice MONEY NOT NULL,
36 NVHPPrice MONEY NULL,
37 SoldPrice MONEY NULL,
38 Advertisement TEXT NOT NULL,
39 Image1 VARCHAR(255) NULL,
40 Image1Description TEXT NULL,
41 Image2 VARCHAR(255) NULL,
42 Image2Description TEXT NULL,
43 Image3 VARCHAR(255) NULL,
44 Image3Description TEXT NULL,
45 Image4 VARCHAR(255) NULL,
46 Image4Description TEXT NULL,
47 Image5 VARCHAR(255) NULL,
48 Image5Description TEXT NULL,
49 )
```

Ch 3

Col 3

Ln 1141

1145

Read-Only Ln 36, Col 44

Ready

C:\DOCUMENTS\KENNEDY\LOCALS\1\Temp\Retrieve\temp.tbl.ssf

47	DECLARE @MaxBathVariance	INT
48	DECLARE @MaxBedroomVariance	INT
49	DECLARE @ThisIsCityOfMiamiTarget	BIT
50	DECLARE @IsMolYTRSForCityOfMiami	VARCHAR(9)
51	DECLARE @NumberOfCityOfMiamiSections	INT
52	DECLARE @CurrentDate	DATETIME
53	DECLARE @SearchDate	DATETIME
54	DECLARE @AvgSum	REAL
55	DECLARE @StdDeviation	REAL
56	DECLARE @NumberOfPropertiesInFinalResult	INT
57	DECLARE @AveragePricePerSquareFoot	REAL
58	DECLARE @StdDeviation	REAL
59	DECLARE @AveragePricePerSqft	REAL
60	DECLARE @MinPricePerSqft	REAL
61	DECLARE @MedianPricePerSqft	REAL
62	DECLARE @MaxPricePerSqft	REAL
63	DECLARE @AVHPricePerSqft	REAL
64	DECLARE @AveragePrice	REAL
65	DECLARE @MinPrice	REAL
66	DECLARE @MedianPrice	REAL
67	DECLARE @MaxPrice	REAL
68	DECLARE @AVHPrice	REAL
69	DECLARE @AVHPricePerSqftTop3	REAL
70	DECLARE @AVHPricePerSqftPest	REAL
71	DECLARE @NumberOfAVHProperties	INT
72	DECLARE @NumberOfTopThree	INT
73	DECLARE @NumberOfTheRestOfThem	INT
74		

Ready Only In 7/1/04 49

Identity Sort Name 20 Items

- ☒ Build
- ☒ ContinuumClassLibrary
- ☒ ContinuumControls
- ☒ ContinuumWeirds

Ready

For Help, click Help Topics on the Help Menu.

[illegible]



## Determining a home's value

By [Holden Lewis](#) • Bankrate.com

Here's a question that paralyzes homeowners with anxiety: "How much do I ask for my house?"

The flipside of that question -- "How much should I offer?" -- keeps buyers up at night, too.

Figuring out a home's market value takes a lot of science, a little bit of art and a hard head. The science consists of obtaining prices of similar homes in the neighborhood that have been sold recently. The art entails comparing those homes to the one you want to sell or buy -- how they are similar, how they differ, what makes the other homes more or less valuable. The hardheaded part demands putting aside your emotions and arriving at a price that the market will support, regardless of how you feel about the house or how much money has been put into it.

The process is especially vital for people selling their houses without the help of real estate agents. But even if you have hired an agent to sell the house, or if you're buying instead of selling, it's a good idea to estimate your home's value independently, so you can find out if you and the agent see things the same way.

There are two excellent Web sites to start with. Both allow you to look up sale prices of nearby homes. [HomeGain's service](#) offers a list of nearby home sales that includes each home's address, price, sale date, number of bedrooms, square footage and approximate year built. Disclosure: Bankrate is a business partner with HomeGain.

A competitor, [Home Price Check](#), offers a shorter list, giving each home's address, month sold and the number of bedrooms and bathrooms. A spot check of four addresses in three states showed that HomeGain offers more data, but Home Price Check's sales data are more recent -- one month newer in Jupiter, Fla., and four years newer in Garden City, N.Y.

"It's a great way to understand the value of real estate because it's the raw data," says Ben Joslin, general manager of Domania Inc., the unit of Lending Tree that operates Home Price Check.

Real estate agents estimate home values by finding comparable houses (called "comps"), too, but not all buyers and sellers use agents. Colby Sambrotto, chief operating officer of

### See Also

- [Mortgage Matters: A daily Weblog on mortgage rates](#)
- [Boost your home's value: Remodel!](#)
- [Getting an appraisal -- the basics](#)
- [Daily mortgage rate update](#)
- [Mortgage glossary](#)
- [Track prime rate/other leading rate indexes](#)
- [More mortgage stories](#)

*Attachment*







ForSaleByOwner.com, a service for people who sell their homes without real estate agents, sends his clients to Home Price Check. It beats going to the county recorder's office and looking at real estate records.

Sale price information helps buyers, too, allowing them to come up with an educated idea of how much to offer. Bob Moulton, president of Americana Mortgage Group Inc., a mortgage brokerage in New York, says he frequently advises buyers to go online and check the recent sales prices of nearby homes, especially when the seller isn't using an agent.

**(continued on next page)**

-- Posted: March 4, 2004

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\* Mortgage rate may include points. See rate tables for details. [Click here](#).

\* To see the definition of overnight averages [click here](#).

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**DECLARATION UNDER 37 C.F.R. 1.132**

Commissioner for Patents  
Washington, D.C. 20231  
Box Non-Fee Amendment

Sir:

NOW COMES the undersigned and declare that:

1. I, William Kennedy, am a manager and technical contributor of HomeXperts, d.b.a, HomeKeys.net, which is related to the instant Application. I have personal knowledge of the work done in accordance with the related projects of HomeKeys.net, and of the subject matter for the present application.

**FIRST INSTANCE OF COPYING**

2. Homekeys had developed the claimed subject matter, and implemented a particular embodiment for ecommerce, which was initially placed on the Internet at [www.HomeKeys.net](http://www.HomeKeys.net) on March 2005.

3. One of the features incorporated into the Homekeys website is the generation of a database of AVM values for several Florida counties, and a map display with real properties embedded within accompanied by AVM values.

4. Another feature incorporated into the Homekeys website is that AVM values are updated on a basis such that they generally remain current as market conditions change.

5. Internet Protocol (IP) is a well-known communication standard and an essential part of the layered infrastructure that makes the public network known as the Internet work. IP addresses are logical addresses consisting of 32 bits and typically expressed as a series of four numbers separated by dots. The logical aspect of each IP address can be resolved into a physical location and/or a corporate entity, such as an Internet provider.

6. Internet traffic may be tracked by virtue of IP addresses. Thus, when a person is reviewing a website, their activity on that website may be recorded for later review. Thus, evidence of direct access to an Internet website by various computing devices may be had by reviewing the IP addresses.

7. As part of my duties, I perform periodic reviews of the Internet traffic for HomeKeys.net. One such review (See, Attachment A) showed that the Homekeys.net website had substantial traffic from an IP address (67.134.199.34) starting in May 2005. The great majority of this traffic occurred during the months of September and November 2005 and included over 78 visits by 66 people from this address.

8. My investigation into this Internet traffic revealed that it originated from a building in Seattle, Washington, which was unusual since Seattle is in the far north-western part of the continental United States and Homekeys serviced three counties in Southern Florida, i.e., the far most south-eastern portion of the continental United States.

9. Upon further investigation, I learned that the physical address in Seattle, WA was occupied by Zillow.com.

10. Zillow.com went online about February 2006. According to its own claims, the Zillow site (see, Attachment B, page 1) includes a database of housing estimates/values for over 70 million homes in the US. As shown in Attachment F, it is well known that these estimates produced by Zillow are AVM values.

11. As shown in Attachment B, page 2, one of the features incorporated into Zillow's

website is the generation of map displays with real properties embedded within with accompanying AVM values. As shown in Attachment B, page 3, it is apparent that Zillow's AVM values are updated at such a rate so as to be generally current. That is, the AVM values at Zillow weren't merely generated a single time. See, Attachment B, page 3 for an example of a continuously updated AVM value for a given property.

12. On September 13, 2007, I made contact with Mr. Drew Meyers, who is an engineer at Zillow – first by email, then by telephone. See, Attachment H. During the phone conversation, I told Mr. Meyers that I worked for a small real estate company in Miami, Florida that he might not know, and identified our website. In response, Mr. Meyers stated (paraphrasing) that he and a large number of the staff at Zillow knew about Homekeys.net and had spent time on and reviewed our website prior to the launch of [www.Zillow.com](http://www.Zillow.com). Further, Mr. Meyers had made a number of compliments about [www.Homekeys.net](http://www.Homekeys.net).

13. Based upon: (1) the direct access by a large number of people in a building that was occupied by Zillow, again unusual because of the large difference in geographic regions and the unlikelihood that so many people in Seattle WA would be interested in Miami, FL (and surrounding areas) properties, (2) the admissions made by a Zillow employee, and (3) the subsequent appearance of a website embodying so many of the functional features of Homekeys, we believe that Zillow's own website was obviously inspired by the Homekeys website.

14. Between the time Zillow accessed the Homekeys website and now, Zillow has changed the IP address so that it no longer may be traced back to them, but instead reflects the identity of the IP provider. This action has the effect of covering Zillow's extensive access to the Homekeys website.

**SECOND INSTANCE OF COPYING**

15. Cyberhomes.com is a website that has been in existence since May 1997. See, Attachment C. Since its inception until about December 2006, the Cyberhomes website had no affiliation with AVM technology. However, on December 6, 2006 (see, Attachment C, page 3) Cyberhomes functionality changed dramatically to include a database of AVM values. According to its own claims, the Cyberhomes site includes a database AVM values for over 100 million homes in the US, and uses a map display with real properties embedded within that were generated using their database of AVM values.

16. According to its own claims, the Cyberhome site (see, Attachment E, page 1) includes a database of housing estimates/values for over 100 million homes in the US. As shown in Attachment G, it is well known that these estimates are AVM values.

17. As shown in Attachment E, page 2, one of the features incorporated into Cyberhome's website is the generation of map displays with real properties embedded within with accompanying AVM values.

18. As shown in Attachment E, page 3, the Cyberhomes website includes heatmaps of changing AVM values, showing that their AVM values are updated at such a rate so as to be generally current.

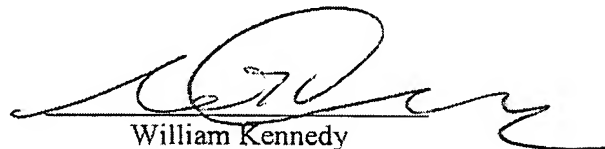


19. All statements made herein of my own knowledge are true. All statements made herein upon information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both, under the provisions of 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing therefrom.

20. Further, declarant sayeth naught.

21. WITNESS my signature below in the indicated date.

10/17/2007  
Date

  
William Kennedy

Attorney Docket: 28025US

Page 1 of 2



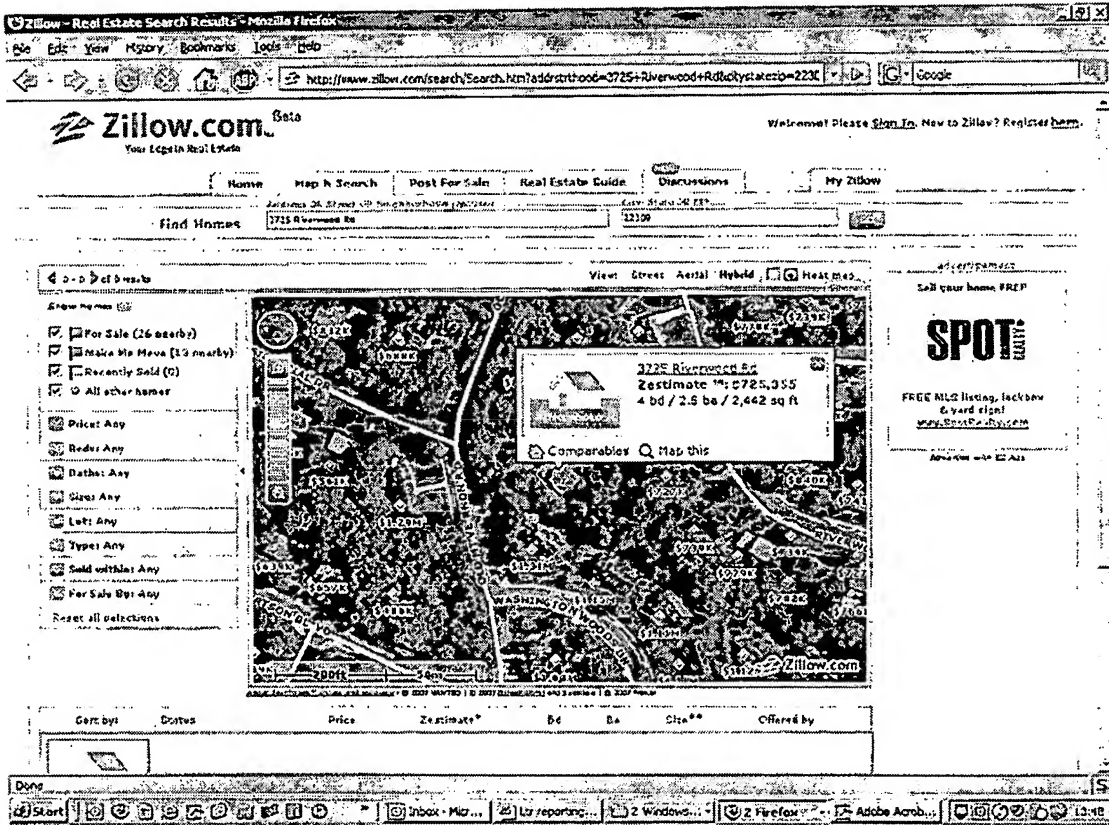
ATTACHMENT B

The screenshot displays the Zillow.com homepage with a search bar at the top. The search bar contains the address "3725 Riverwood Dr" and the ZIP code "22129". Below the search bar, there are four categories: Buyers, Sellers, Owners, and Professionals. To the right, there is a "Zillow Snapshot" table showing top cities and their total number of homes for sale and move-in ready.

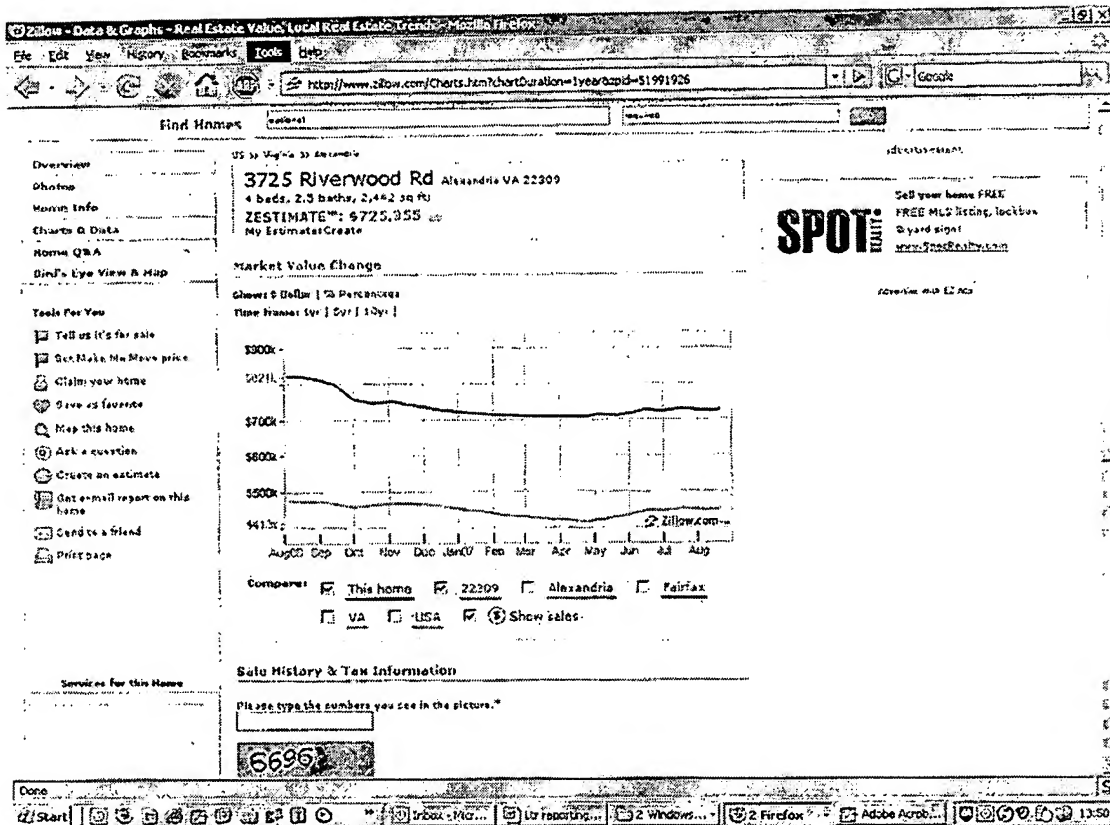
Top Cities	For Sale	Move-In Ready
Portland	2,082	1,592
Miami	3,473	640
Tampa	1,973	717
U.S. Total	208,434	75,562

Below the categories, there are two sections: "Recent For Sale Homes" and "Most Talked About Homes". The "Recent For Sale Homes" section shows two listings: one for \$695,000 at 30 Worcester Dr, Danvers, MA, and another for \$450,990 at 10408 Greendale Dr, Tampa, FL. The "Most Talked About Homes" section shows two listings: one with 25 questions and 47 answers at 375 Glenwood Ave, Rochester, NY, and another with 19 questions and 8 answers at 178 Maple Ave Apt 2-B, Rutland, MA.

ATTACHMENT B



**ATTACHMENT B**



# ATTACHMENT C

Internet Archive Wayback Machine - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Reload Home Search Favorites Print

Address <https://web.archive.org/web/2000081018154/http://www.cyberhomes.com/>

Links Customize Links Free Hotmail Windows Windows Marketplace Windows Media

Google  Go  Bookmarks 70 Bookmarks Check Autolink AsFTP Send to Settings

Search results for Jan 01, 1996 - Aug 30, 2007

1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
0 pages	6 pages	7 pages	9 pages	20 pages	14 pages	16 pages	22 pages	143 pages	199 pages	34 pages
Mar 23, 1997	Feb 19, 1998	Jan 25, 1999	Feb 29, 2000	Feb 02, 2001	Jan 24, 2002	Jan 31, 2003	Jan 02, 2004	Jan 01, 2005	Jan 05, 2006	
Nov 08, 1997	Mar 03, 1998	Feb 08, 1999	Feb 29, 2000	Feb 08, 2001	Jan 24, 2002	Jan 31, 2003	Jan 30, 2004	Jan 03, 2005	Jan 05, 2006	
Jun 19, 1997	Nov 11, 1998	Feb 18, 1999	Mar 01, 2000	Feb 08, 2001	Mar 27, 2002	Feb 15, 2003	Feb 11, 2004	Jan 04, 2005	Jan 11, 2006	
Dec 11, 1997	Dec 06, 1998	Feb 21, 1999	Mar 02, 2000	Mar 02, 2001	Mar 31, 2002	Feb 19, 2003	Mar 19, 2004	Jan 05, 2005	Jan 11, 2006	
Dec 24, 1997	Dec 05, 1998	Apr 21, 1999	Mar 03, 2000	Mar 15, 2001	May 13, 2002	Mar 22, 2003	Mar 28, 2004	Jan 07, 2005	Jan 12, 2006	
	Dec 12, 1998	Apr 24, 1999	Mar 08, 2000	Mar 08, 2001	May 25, 2002	Mar 28, 2003	Apr 13, 2004	Jan 08, 2005	Jan 14, 2006	
	Dec 12, 1998	Apr 27, 1999	Mar 09, 2000	Mar 09, 2001	Jun 01, 2002	Apr 21, 2003	May 20, 2004	Jan 09, 2005	Jan 14, 2006	
		Apr 28, 1999	Mar 09, 2000	Apr 05, 2001	Jun 05, 2002	May 22, 2003	May 22, 2004	Jan 12, 2005	Jan 15, 2006	
		Oct 13, 1999	Apr 08, 2000	May 08, 2001	Jun 08, 2002	Jun 12, 2003	Jun 04, 2004	Jan 13, 2005	Jan 15, 2006	
			May 10, 2000	May 10, 2001	Jun 21, 2002	Jun 25, 2003	Jun 07, 2004	Jan 14, 2005	Jan 17, 2006	
			May 10, 2000	May 15, 2001	Jun 21, 2002	Jun 25, 2003	Jun 07, 2004	Jan 14, 2005	Jan 17, 2006	
			May 10, 2000	May 18, 2001	Jun 27, 2002	Jul 12, 2003	Jun 12, 2004	Jan 25, 2005	Jan 18, 2006	
			May 10, 2000	May 25, 2001	Nov 28, 2002	Jul 22, 2003	Jun 13, 2004	Jan 26, 2005	Jan 18, 2006	
			May 11, 2000	Jun 17, 2001	Nov 28, 2002	Oct 21, 2003	Jun 15, 2004	Jan 27, 2005	Jan 26, 2006	
			May 11, 2000		Nov 29, 2002	Oct 21, 2003	Jun 16, 2004	Jan 28, 2005	Jan 27, 2006	
			May 20, 2000		Dec 01, 2002	Oct 12, 2003	Jun 18, 2004	Jan 29, 2005	Feb 02, 2006	
			Jun 19, 2000			Oct 14, 2003	Jun 19, 2004	Jan 31, 2005	Feb 05, 2006	
			Aug 15, 2000			Nov 25, 2003	Jun 22, 2004	Feb 03, 2005	Feb 08, 2006	
			Nov 09, 2000			Nov 27, 2003	Jun 23, 2004	Feb 04, 2005	Feb 08, 2006	
			Dec 05, 2000			Dec 01, 2003	Jun 24, 2004	Feb 05, 2005	Apr 02, 2006	
						Dec 12, 2003	Jun 25, 2004	Feb 07, 2005	Apr 29, 2006	
						Dec 24, 2003	Jun 26, 2004	Feb 08, 2005	May 24, 2006	
							Jun 27, 2004	Feb 10, 2005	Jun 13, 2006	
							Jun 30, 2004	Feb 11, 2005	Jun 15, 2006	
							Jul 01, 2004	Feb 13, 2005	Jun 15, 2006	
							Jul 03, 2004	Feb 14, 2005	Jun 13, 2006	
							Jul 05, 2004	Feb 15, 2005	Jun 20, 2006	
							Jul 08, 2004	Feb 16, 2005	Jun 26, 2006	

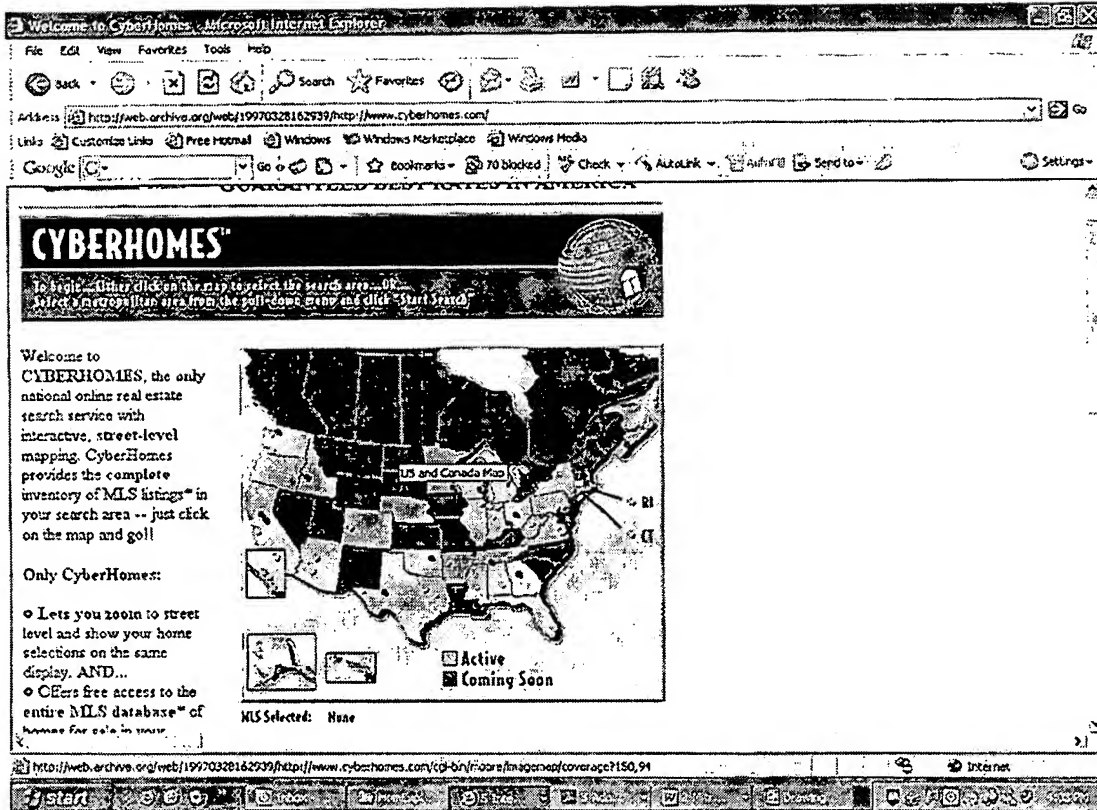
<https://web.archive.org/web/2000081018154/http://www.cyberhomes.com/>

Internet

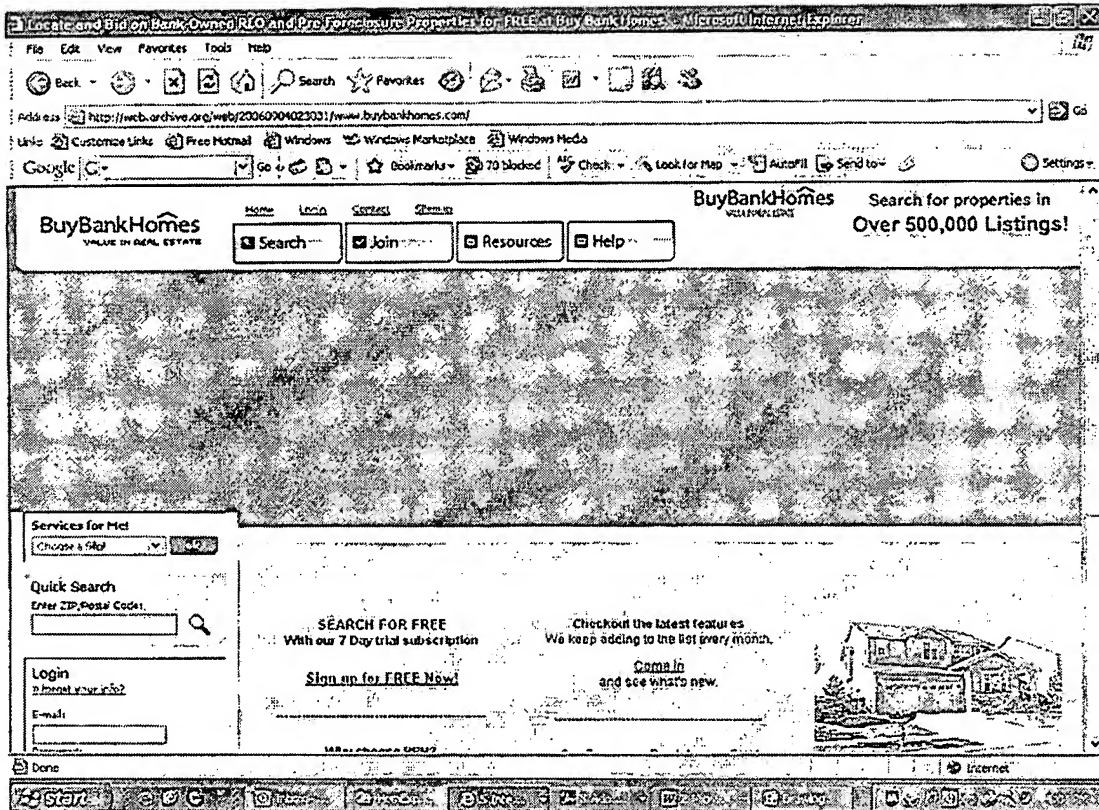




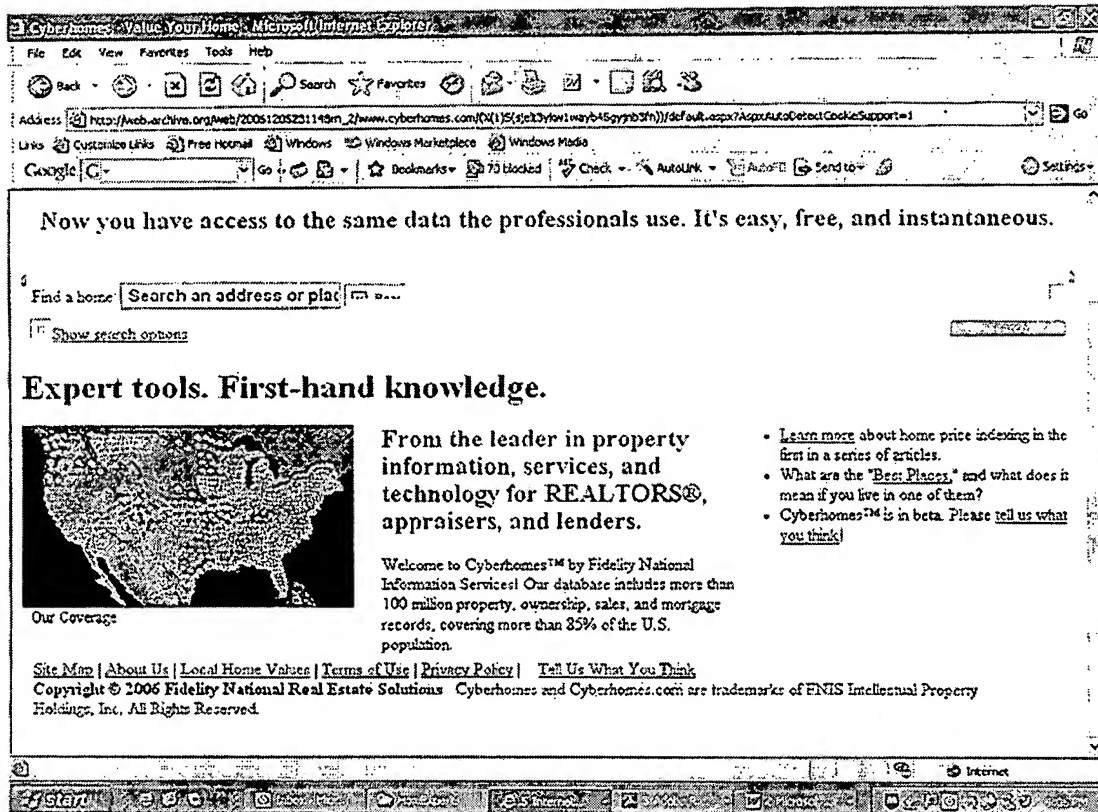
ATTACHMENT D



ATTACHMENT D



ATTACHMENT D



ATTACHMENT E

Cyberhomes - Value Your Home - Mozilla Firefox

http://www.cyberhomes.com/default.aspx?AppxAutoDetectCookieSupport=1&hncp=1

Sign Up Sign In Saved Items All about

Search more than **100,000,000** property records  
Now you have access to the same data the professionals use. It's easy, free, and instantaneous.

Find a home: 3725 Riverwood Rd, Alexandria, VA 22109

Expert tools. First-hand knowledge.

From the leader in property information, services, and technology for REALTORS®, appraisers, and lenders.

Welcome to Cyberhomes™ by Fidelity National Financial! Our database includes more than 100 million property, ownership, sales, and mortgage records, covering more than 85% of the U.S. population.

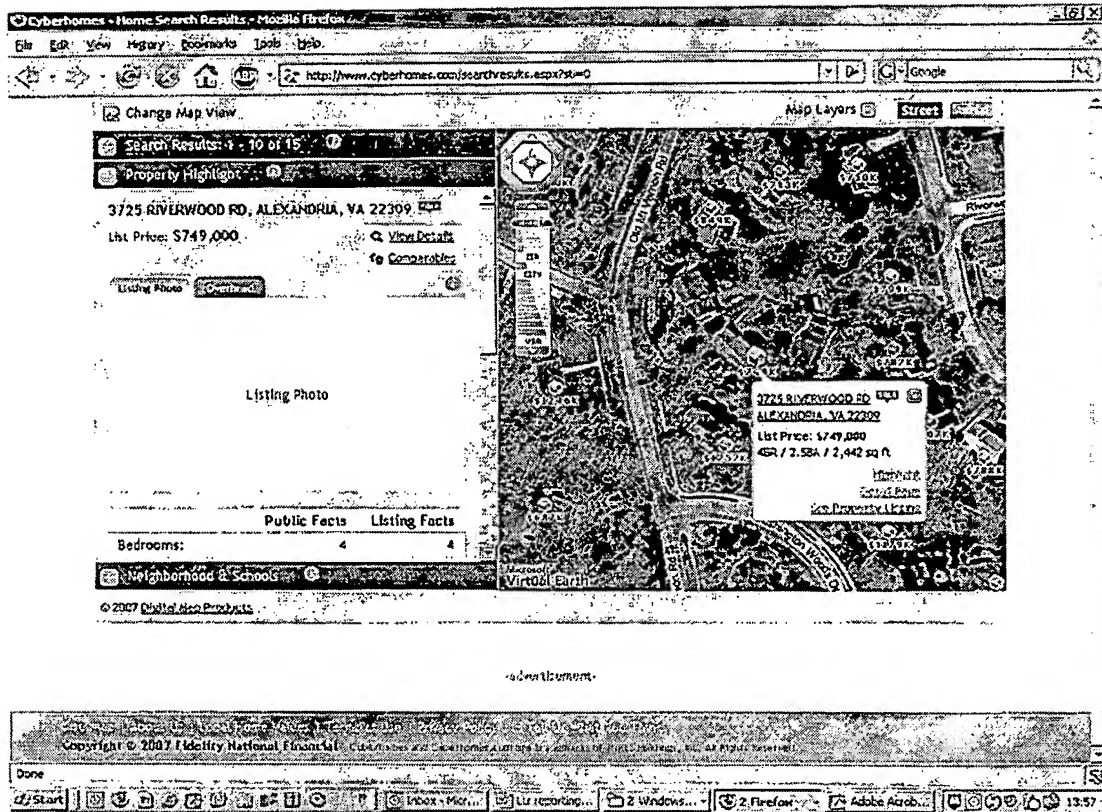
What's new?

- View detailed heat maps of home values, changes in value, and property density.
- Tag, save, and get alerts on homes, neighborhoods, and schools of interest.
- Email links and print home reports to share with friends and family.

Is your neighborhood hot -- or not?

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ATTACHMENT E



ATTACHMENT E

Cyberhomes - Home Details - Windows Internet Explorer

http://www.cyberhomes.com/propertydetails.aspx?propid=20766707&rcid=us&listingid=F14107792

Go - Bookmarks - Favorites - Check - Settings - No Edit View Favorites Tools Help

Cyberhomes - Home Details

Bathrooms:	2	2.5	Total rooms:	8
Living Area:	2,442	-	Heating:	0
Lot size:	22,497	22,498	Cooling:	Y
Type:	Single Family	Single Family	Stories:	2
Parcel #:	110-4-05-0018	110-4-05-0018	Legal Description:	-
County:	Fairfax	Fairfax		

Charts & Graphs

Refinance at 5.75% Fixed! \$250,000 mortgage under \$199/mo. All credits OK. Get 4 FREE quotes! www.lendgo.com

Switch To Scottrade! Move your account (s) to Scottrade and get up to \$100 BACK. Apply now. www.scottrade.com

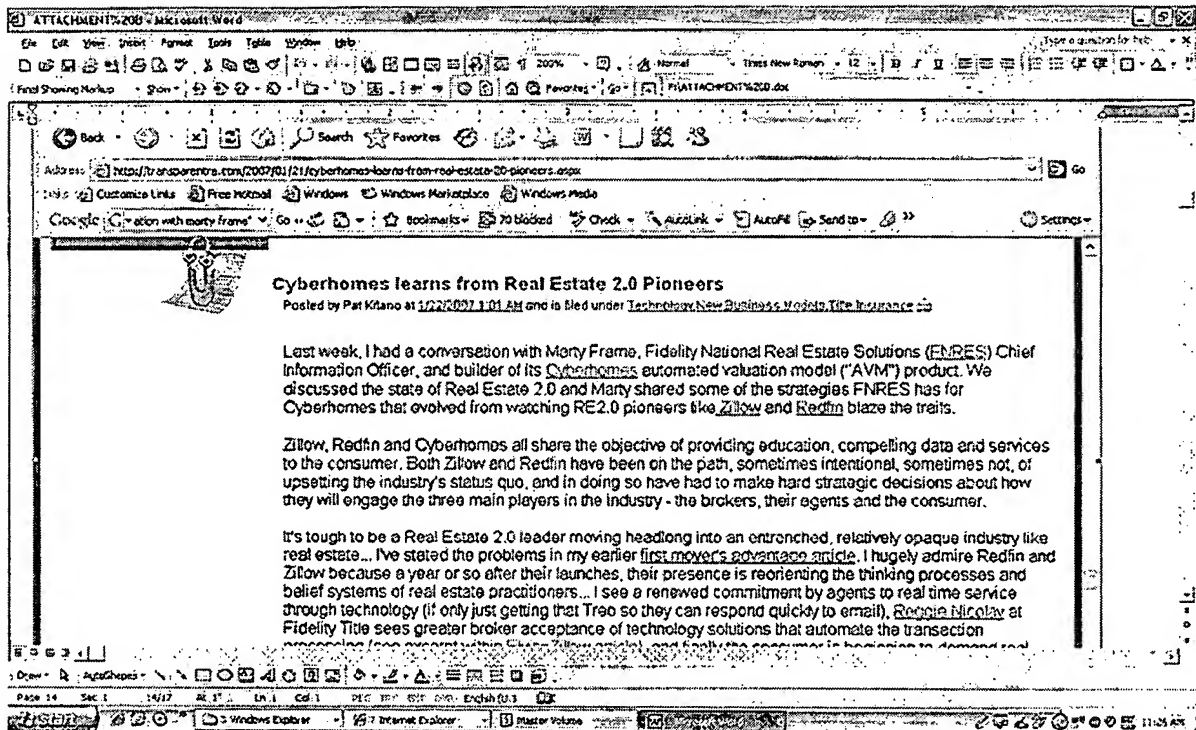
Description

Windows - 28025US - ATTACHED - 10:54 AM





ATTACHMENT G



**ATTACHMENT H**

-----Original Message-----

From: Drew Meyers [<mailto:drewm@zillow.com>]

Sent: Thursday, September 13, 2007 3:15 PM

To: Bill Kennedy

Subject: Zillow.com: Thank you for your inquiry

Dear William Kennedy,

Thank you for your interest in Zillow.com. We will be contacting your shortly.

Sincerely,

The Team at Zillow.com



Attorney Docket: 28025US

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**DECLARATION UNDER 37 C.F.R. 1.132**

Commissioner for Patents  
Washington, D.C. 20231  
Box Non-Fee Amendment

Sir:

NOW COMES the undersigned and declare that:

1. I, William Kennedy, am a manager and technical contributor of HomeXperts, d.b.a, HomeKeys.net, which is related to the instant Application. I have personal knowledge of the work done in accordance with the related projects of HomeKeys.net, and of the subject matter for the present application.

2. As provided in an accompanying Declaration, Zillow.com has incorporated much of the claimed subject matter into its website, and includes a database of housing estimates/values for

over 70 million homes in the US. As shown in Attachment A, it is well known that these estimates produced by Zillow are AVM values.

3. As shown in Attachment B, page 2, one of the features incorporated into Zillow's website is the generation of map displays with real properties embedded within with accompanying AVM values.

4. As shown in Attachment B, page 3, it is apparent that Zillow's AVM values are updated at such a rate so as to be generally current. That is, the AVM values at Zillow weren't merely generated a single time. See, Attachment B, page 3 for an example of a continuously updated AVM value for a given property.

5. As shown in Attachment C, prior to Zillow's entrance onto the Internet, Realtor.com was the leading real-estate related site having more than twice the Internet traffic as its nearest competitor. It is well-known that Internet traffic, e.g., the number of "hits" a website receives, is indicative of commercial success as it provides the basis for revenue.

6. As shown in Attachment D, once Zillow went online, it quickly surpassed Realtor.com in the short-term, and now runs "neck-and-neck" with Realtor.com for the leading real-estate related site.

7. As the only recognized difference between Zillow and other real-estate website (not including Applicants' website, which uses a different commercial embodiment and was founded using a small fraction of the capital investment) is Zillow's notorious use of AVMs as described above, the success is due directly to the claimed subject matter. Even if one were to consider other aspects of Zillow's website as contributing to its popularity, none of such aspects are possible without the foundation of the claimed subject matter.

8. Further, as shown in Attachment E, Amy Bohutinsky, Director of Communications for Zillow, directly attributes their success to their AVM database, their graphics incorporating AVM technology and the fact that their AVM databases are frequently updated.

9. All statements made herein of my own knowledge are true. All statements made herein upon information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both, under the provisions of 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing therefrom.

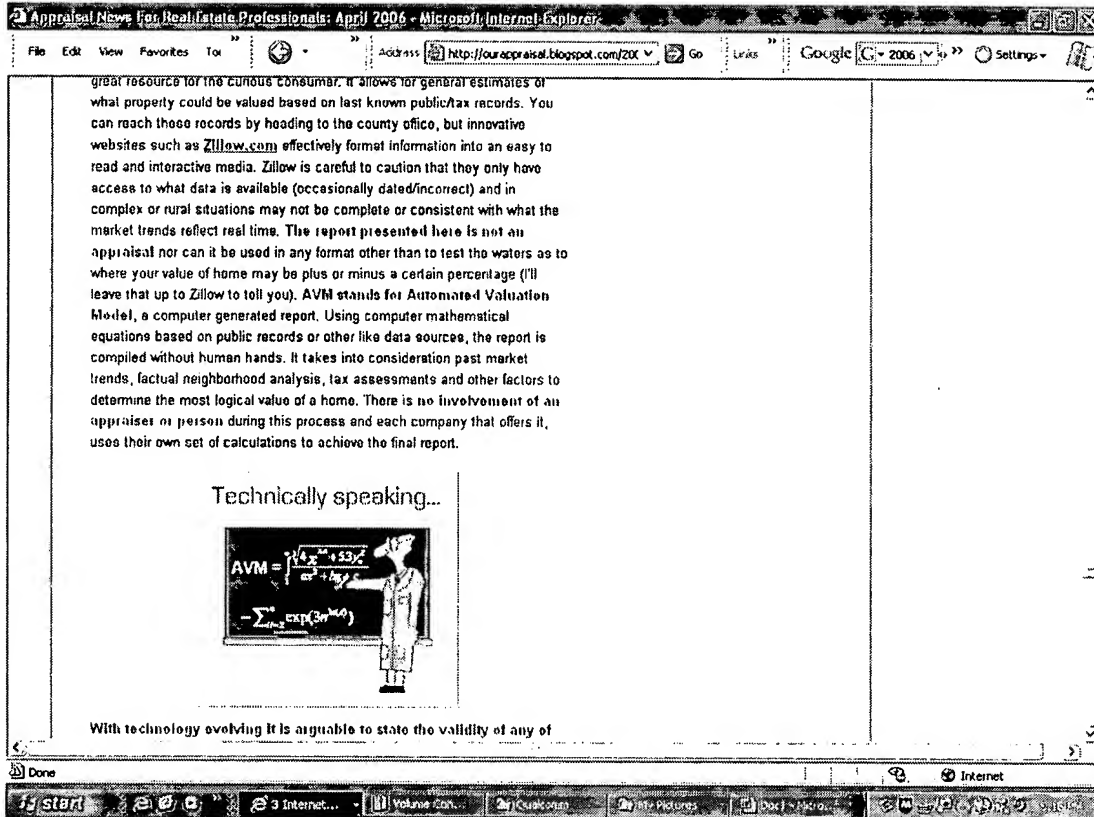
10. Further, declarant sayeth naught.

11. WITNESS my signature below in the indicated date.

9/5/07  
Date

  
William Kennedy

## ATTACHMENT A



ATTACHMENT B

**Zillow.com** Beta  
Your Edge in Real Estate

Welcome! Please [Sign In](#). New to Zillow? [Register here](#).

Home Map & Search Post For Sale Real Estate Guide Discussions My Zillow

Find Homes Address OR Street OR Neighborhood (approx?) City, State OR ZIP  
1715 Riverwood Rd 22109

Zestimate® values and more on 70,000,000+ homes  
[...free and on your own terms]

**Buyers**  
Find homes for sale

**Sellers**  
Sell homes on Zillow

**Owners**  
Make Me Move™

**Professionals**  
Market listings for free

**Zillow Snapshot** (Updated 10/20/2017)

Top Cities	For Sale	Make Me Move™
Portland	2,002	1,592
Miami	3,473	640
Tampa	1,975	717
U.S. Total	206,454	75,562

**Recent For Sale Homes**  
Homes just posted for sale

Show results for: United States

- For Sale: \$699,000**  
20 Miramasa Dr, Pembroke, MA  
4 beds / 4.0 baths / 6,743 sq ft
- For Sale: \$489,900**  
10460 Greendale Dr, Tampa, FL  
4 beds / 3.0 baths / 2,490 sq ft

**Most Talked About**  
Homes with lots of Q&As

Show results for: United States

- 25 Questions / 47 Answers**  
325 Glenwood Ave, Rochester, NY  
3 bd / 3.5 ba / 4,384 sq ft
- 19 Questions / 8 Answers**  
176 Maple Ave APT 2-0, Rutland, MA  
2 bd / 1.0 ba / 714 sq ft

Done

Start | [Icons] | Inbox - Micr... | Ltr reporting... | 2 Windows... | 2 Firefox | Adobe Acrob... | 13:47



ATTACHMENT B

Zillow - Real Estate Search Results - Mozilla Firefox

File Edit View History Bookmarks Tools Help

http://www.zillow.com/search/Search.html?addresshood=3725+Riverwood+Rd&citystatezip=2230

**Zillow.com** Beta  
Your Edge in Real Estate

Welcome! Please [Sign In](#). New to Zillow? Register [here](#).

Home Map & Search Post For Sale Real Estate Guide Discussions My Zillow

Address: 3725 Riverwood Rd City, State or ZIP: 22309

Find Homes

0-0 of 0 results

View: Street Aerial Hybrid **Map** Heatmap

Know homes

- ☒ For Sale (26 nearby)
- ☒ Make Me Move (13 nearby)
- ☐ Recently Sold (0)
- ☐ All other homes

Prices: Any

Beds: Any

Baths: Any

Sizes: Any

Lots: Any

Types: Any

Sold within: Any

For Sale Days: Any

Reset all selections

2725 Riverwood Rd  
Zestimate™: \$725,355  
4 bd / 2.5 ba / 2,442 sq ft

Comparables Map this

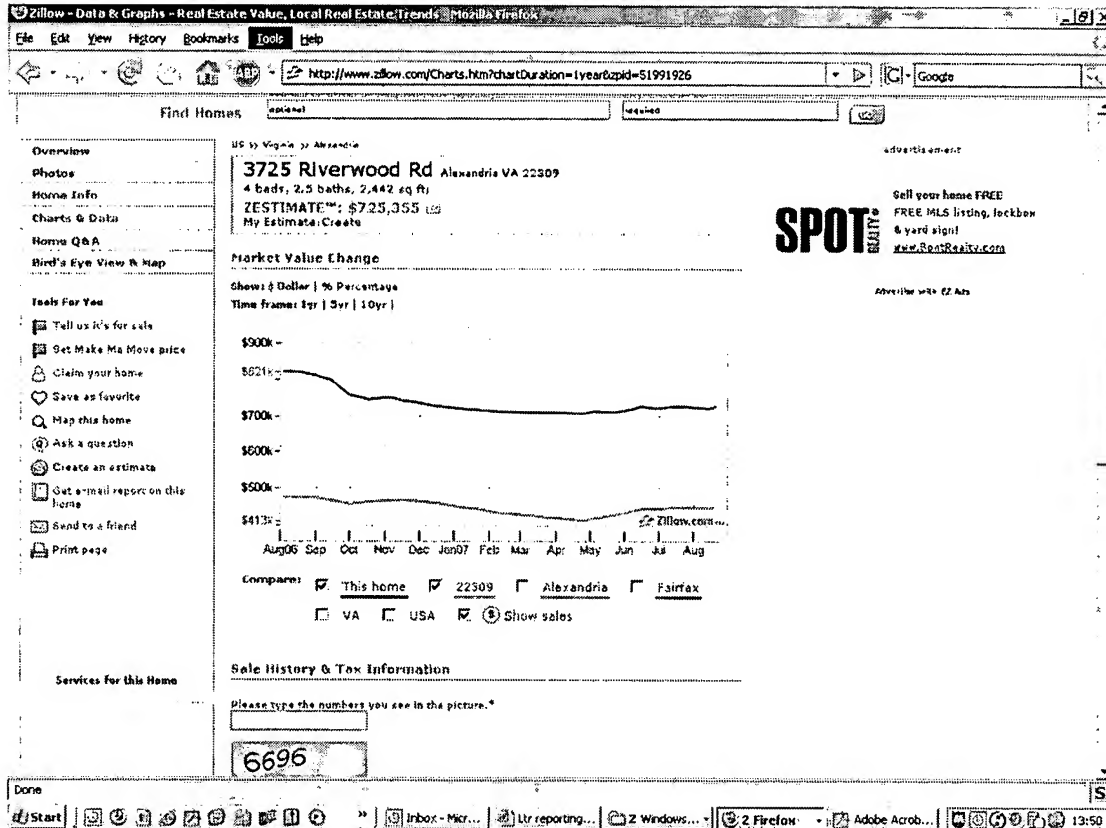
SPOT REALTY  
FREE MLS listing, lockbox & yard sign!  
[www.SpotRealty.com](http://www.SpotRealty.com)  
Attention: with EZ-Box

Sort by: Status Price Zestimate\* Bd Ba Size\*\* Offered by

Done

Start | Inboxes - Mic... | Ltr reporting... | 2 Windows... | 2 Firefox | Adobe Acrobat... | 13:48

ATTACHMENT B



## ATTACHMENT C

Top real estate sites: Realtor, RentNet, HomeGain, Rent.com - Web traffic - IT Trends - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Search Favorites

Address <http://www.itacts.biz/index.php?id=P3904> Go

Links Customize Links Free Hotmail Windows Windows Marketplace Windows Media

Google om internet traffic 2004 Go Bookmarks 70 blocked Check Autolink Send to real Settings

**Top real estate sites: Realtor, RentNet, HomeGain, Rent.com**

HitWise listed top real estate sites.

Rank	Domain	Market Share
1	www.realtor.com	12.29%
2	www.rentnet.com	5.50%
3	www.homegain.com	3.06%
4	www.rent.com	2.68%
5	realestate.yahoo.com	2.02%
6	www.realtytrac.com	1.80%
7	www.remax.com	1.70%
8	www.apartments.com	1.69%
9	www.century21.com	1.68%
10	houseandhome.msn.com	1.42%

Source: Hitwise.com

Top real estate sites: Realtor, RentNet, HomeGain, Rent.com - Jul 16, 05 | 10:58 am - Explore the Web traffic category

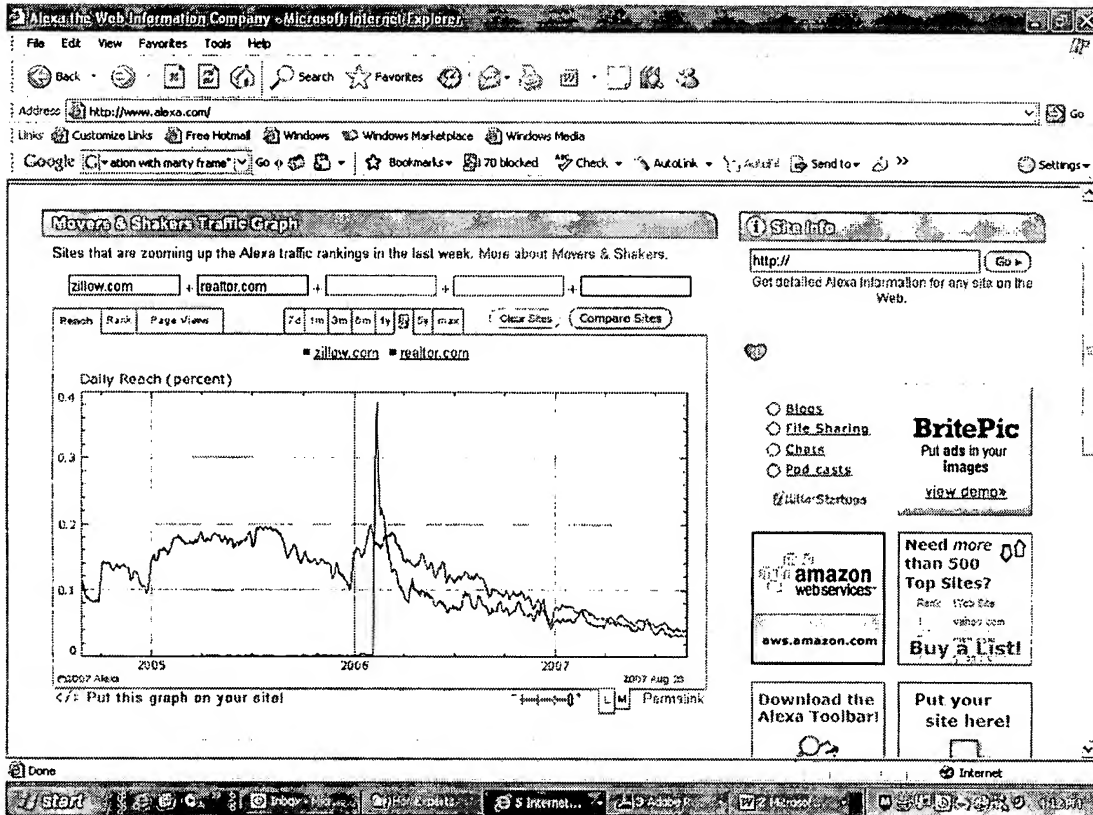
Yahoo search California Traffic Maps secret traffic shortcuts Houses For Sale

Send Traffic To Your Web Site Get free real-time speed A ZIP 20 to 40 minutes delivery Over 40,000 Homes For Sale View in capital

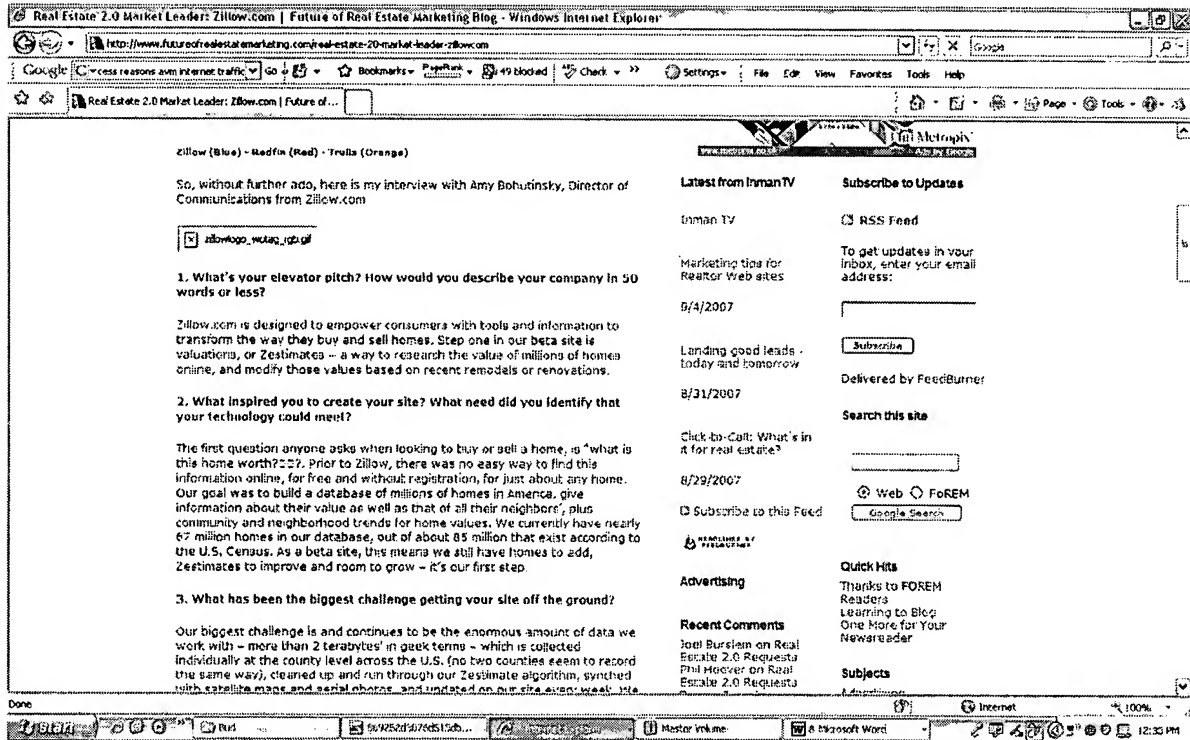
Internet

Start Internet Explorer Adobe Reader Microsoft Word

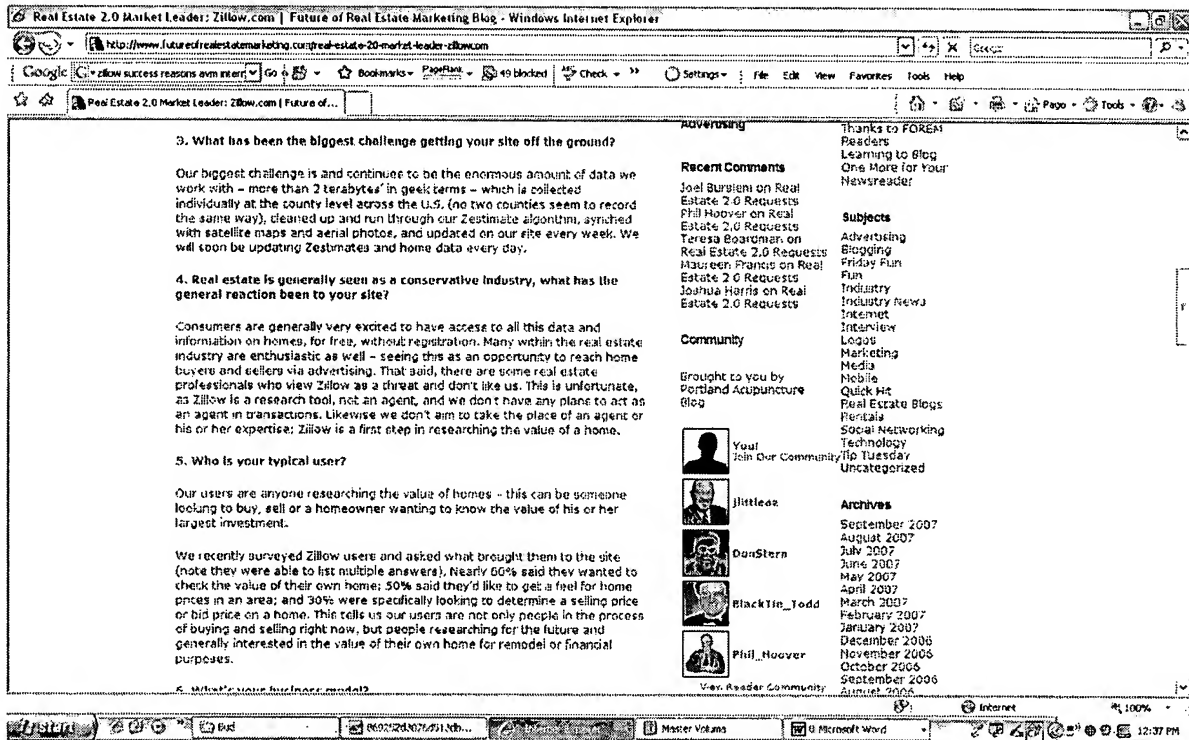
ATTACHMENT D



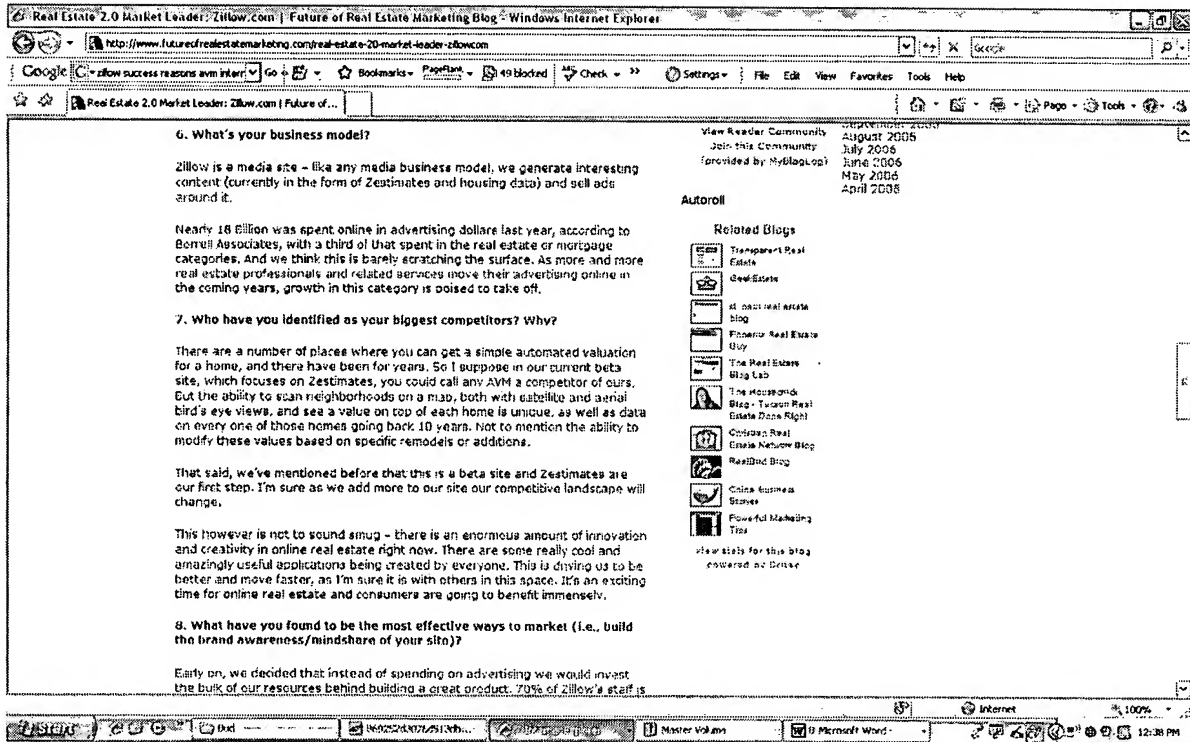
## ATTACHMENT E



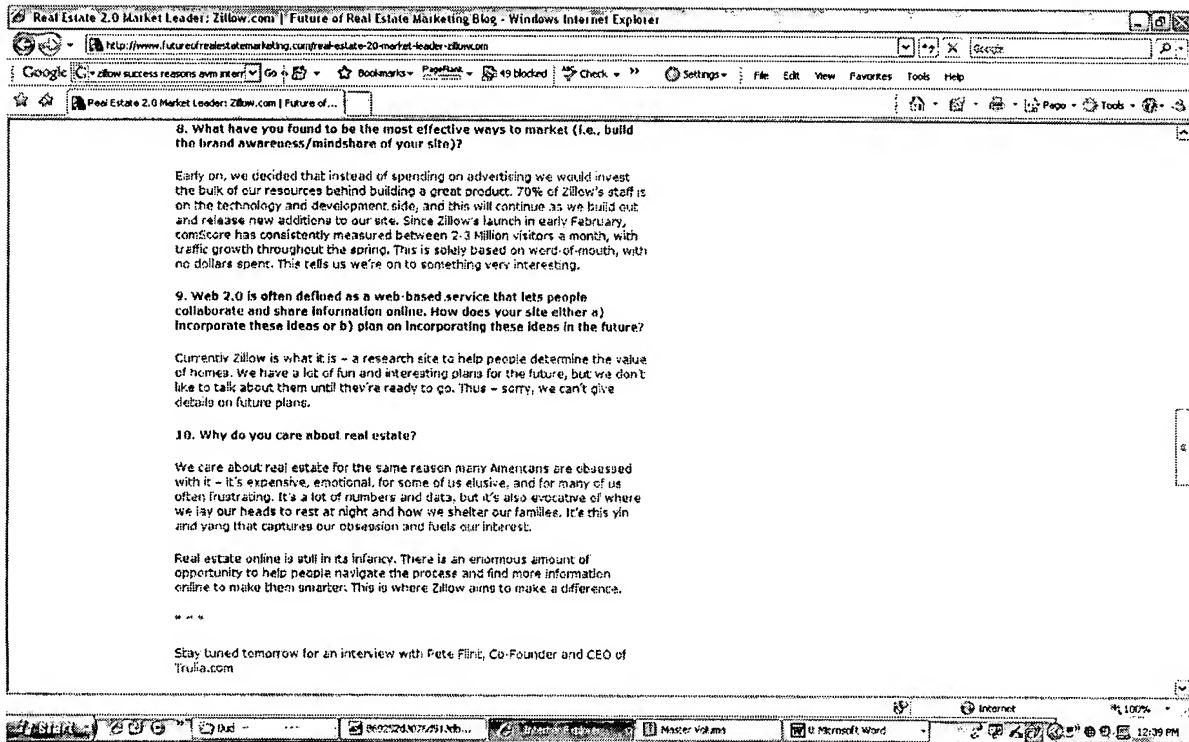
## ATTACHMENT E



## ATTACHMENT E



## ATTACHMENT E







Attorney Docket: 28025US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Mario A. VILLENA, et al.

Application No. 10/536,692 : International Application No.: PCT/US04/28217

Filed: May 27, 2005 : International Application Filing Date: August 31, 2004

For: ***COMPUTERIZED AGENT AND SYSTEMS FOR FORMATION AND UPDATE OF DATABASES***

**DECLARATION UNDER 37 C.F.R. 1.132**

Commissioner for Patents  
Washington, D.C. 20231  
Box Non-Fee Amendment

Sir:

NOW COMES the undersigned and declare that:

1. I, William Kennedy, am a manager and technical contributor of HomeXperts, d.b.a, HomeKeys.net, which is related to the instant Application. I have personal knowledge of the work done in accordance with the related projects of HomeKeys.net, and of the subject matter for the present application.

2. Homekeys had developed the claimed subject matter, and implemented a particular embodiment for ecommerce, which was initially placed on the Internet at

www.HomeKeys.net on March 2005.

3. One of the services offered by Homekeys on its website that uses AVM technology is known as “ValueSearch”, which allows users to perform searches based on the difference between an offer for sale value and an AVM estimate for each house in a particular geographic region that is on the market.

4. Inman News is a prominent real-estate related publication that is well recognized in the real-estate community, especially the on-line real-estate community. Inman news presents annual awards to innovators of real-estate related technology.

5. As shown in Attachment A, Homekeys was recognized as a technological innovator by Inman News for its ValueSearch technology. See, <http://www.inman.com/InmanNews.aspx?ID=46956>. As shown in Attachment A (which is dated July 7, 2005), the Inman award was made literally within four months after HomeKeys entered the on-line real-estate market with its ValueSearch technology.

6. As shown in Attachment A, Homekeys was recognized as a technological innovator by Inman News for its ValueSearch technology. See, <http://www.inman.com/InmanNews.aspx?ID=46956>. As shown in Attachment A (which is dated July 7, 2005), the Inman award was made literally within four months after HomeKeys

entered the on-line real-estate market with its ValueSearch technology.

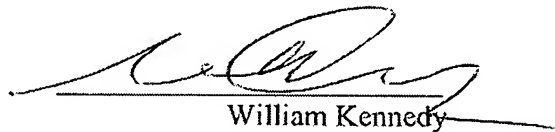
7. Accordingly, it is apparent that the claimed subject matter has been recognized by the industry for its technological innovations.

8. All statements made herein of my own knowledge are true. All statements made herein upon information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both, under the provisions of 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing therefrom.

9. Further, declarant sayeth naught.

10. WITNESS my signature below in the indicated date.

9/5/07  
Date

  
William Kennedy

Internet Explorer window showing the Inman Real Estate News website. The address bar displays: <http://www.inman.com/inmannews.aspx?ID=46956>

Page Title: Inman Real Estate News - Inman Innovator Award finalists announced

Navigation: HOME | NEWS | CONFERENCES | BLOG | WJKT | JOIN | PRODUCTS | ADVERTISE | ADVICE | CONTACT US

**Member Resources**  
[Members Home](#)  
[Search Inman News](#)  
[Content Warehouse](#)  
[Cartoon Database](#)  
[Special Reports](#)  
[White Papers Series](#)  
[Audio Files](#)  
[Inman Blog](#)  
[Feedback](#)  
[Connect](#)  
[Registration](#)  
[Audio Conference](#)  
[Join Now](#)

**LETTERS TO THE EDITOR**

Refinance for 50 years to stay afloat  
 Re: 'Loan servicers urged to help troubled borrowers' (Sept. 4)  
 Dear Editor:  
 A good option would be for all those having trouble repaying the higher premiums is to refinance over a 50-year mortgage

**Real Estate Articles from Inman News**  
**Inman Innovator Award finalists announced**  
 66 real estate, technology and media companies compete  
 Thursday, July 07, 2005  
 Inman News

Inman News today released the names of the finalists for the coveted 2005 Inman Innovator Awards. Winners will be announced at the annual Real Estate Connect technology conference, July 27-29, at the Palace Hotel in San Francisco.

Sixty-six real estate, technology and media firms have been nominated, including Google Earth, New York Times Digital, Curbed.com, RealEstateJournal.com, Brownstoner.com, Prudential Real Estate Affiliates, RealEstate.com, Realtor Magazine Online, Countrywide Home Loans and HomeGain.

"Internet innovations are rapidly transforming the quality of online information available to home buyers and sellers," said Bradley Inman, publisher of Inman News and founder of the Real Estate Connect conferences. "Connect will put a spotlight on many of these innovations in the wake of their introduction within the real estate community."

Inman Innovator Awards recognize companies that use technology and innovation to enhance the real estate transaction for consumers and real estate professionals. In addition, one individual is honored each year who embodies the spirit of innovation in real estate.

Past winners of the Inman Innovator Awards include LendingTree, Coldwell Banker Real Estate Corp., E-Loan, eBay, E-Trade Financial, Boston Globe and many others. The awards have been presented at Real Estate Connect since 1997.

"The goal of Connect is to present a diverse variety of viewpoints, speakers and engaging program content to bring to light new, innovative ways that real estate technology is transforming the home buying and selling process in the 21st century," Inman said. "We want to bring together the most knowledgeable, forward-thinking leaders and entrepreneurs in real estate and technology so that attendees walk away with new ideas on how to use the Internet to grow their business."

**Real Estate Connect**  
 new york city  
 January 9-11, 2006  
 Save Money and Register Today

**Story Tools**  
[E-mail Story](#)  
[Comment on Story](#)  
[Printable Version](#)  
[Report Rights](#)

**FREE**  
**FLYERS POSTED TO TOP DIRECTORIES**  
 Property Sites  
 FREE Slideshows  
 Craigslist HTML  
 Over 80 Designs  
 FREE PDF's  
 FREE Printables  
 Calculator Tools  
 Bulk Uploads  
 and MUCH more...

Taskbar: 669252d3076d513db... Master Volume 4 Microsoft Word 11:52 AM

ATTACHMENT A

